

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed April 3, 2006 ("Office Action"). At the time of the Office Action, Claims 1-46 were pending in the Application. In the Office Action, the Examiner rejects Claims 1, 3, 4, 6-11, 13-18, 20, 22-26, 28-32, 34-36, 38-40, and 42-46 and objects to Claims 2, 5, 12, 19, 21, 27, 33, 37, and 41. Applicants respectfully request reconsideration the pending claims and favorable action in this case.

#### **Section 103 Rejections**

The Examiner rejects Claims 1, 3, 4, 8-11, 13-18, 20, 24-26, 28-32, 36, 40, and 42-46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,111,882 issued to Yamamoto ("*Yamamoto*"), in view of U.S. Patent No. 5,974,045 issued to Ohkura et al. ("*Ohkura*"). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." M.P.E.P. § 706.02(j) (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)). Applicants respectfully submit that the Examiner does not present either to support the rejection under 35 U.S.C. § 103(a).

For example, Applicants respectfully submit that *Yamamoto* and *Ohkura*, alone or in combination, fail to disclose, teach, or suggest "a memory coupled to the access server and operable to store path information for the plurality of subscribers, the path information for the particular subscriber identifying a virtual circuit that is pre-assigned to the particular subscriber for communicating with the access server." Instead, *Yamamoto* discloses the "path management server 1 determines, based on the receive VPI/VCI, from which STB terminal the request has been transmitted." Col. 9, ll. 42-44. The Examiner compares the STB terminal to a subscriber as recited in Applicants' claims. *Office Action*, p. 3. *Ohkura* does not account for this deficiency, and the Examiner does not make any assertions to the contrary. As another example, Applicants respectfully submit that *Yamamoto* and *Ohkura*, alone or in combination, fail to disclose, teach, or suggest "identify[ing] the particular subscriber for connection to the second communication network based on the comparison." Contrary to the Examiner's assertion, "the path setting management server 1 generates

connection data (path setting command information) based on the port numbers of the video server side and the STB terminal side and the VPI/VCI values.” Col. 10, ll. 2-5. *Ohkura* does not account for this deficiency, and the Examiner does not make any assertions to the contrary.

As yet another example, *Yamamoto* and *Ohkura*, alone or in combination, do not disclose, teach, or suggest “compar[ing] the path information of the particular subscriber to the particular virtual circuit used to receive the communication from the particular subscriber.” The Examiner admits that *Yamamoto* does not disclose this claim element. *Office Action*, p. 4. However, the reliance on *Ohkura* does not help the Examiner’s position. Instead, *Ohkura* discloses “[t]he incoming VPI/VCI verifier **106** verifies each VPI/VCI extracted by the VPI/VCI extractor **105** by comparing it with the records registered therein.” Col. 2, ll. 7-10.

Therefore, *Yamamoto* and *Ohkura*, alone or in combination, fail to disclose, teach, or suggest at least these limitations. The Examiner has failed to establish a *prima facie* case of obviousness for at least the deficiencies as described above. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Independent Claims 11, 18, 26, 32, 36, and 40 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, are not disclosed, taught, or suggested by the references, alone or in combination, as set forth by the Examiner. Applicants respectfully request reconsideration and allowance of independent Claims 11, 18, 26, 32, 36, and 40 together with their dependents.

The Examiner rejects Claims 6, 7, 22, 23, 34, 35, 38, and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Yamamoto* in view of *Ohkura*, and further in view of U.S. Patent No. 5,968,176 issued to Nessel et al. (“*Nessel*”). Claims 6 and 7 depend, directly or indirectly, from independent Claim 1; Claims 22 and 23 depend, directly or indirectly, from independent Claim 18; Claims 34 and 35 depend, directly or indirectly, from independent Claim 32; and Claims 38 and 39 depend, directly or indirectly, from independent Claim 36. The independent claims have been shown above to be allowable. Accordingly, dependent Claims 6, 7, 22, 23, 34, 35, 38, and 39 are allowable over the cited references at least because of their dependencies. Applicants respectfully request reconsideration and allowance of Claims 6, 7, 22, 23, 34, 35, 38, and 39.

**Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that Claims 2, 5, 12, 19, 21, 27, 33, 37, and 41 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *Office Action*, p. 2. As discussed above, Applicants believe that independent Claim 1 (from which Claims 2 and 5 depend), independent Claim 11 (from which Claim 12 depends), independent Claim 18 (from which Claims 19 and 21 depend), independent Claim 26 (from which Claim 27 depends), independent Claim 32 (from which Claim 33 depends), independent Claim 36 (from which Claim 37 depends), and independent Claim 40 (from which Claim 41 depends) are allowable. Therefore, Applicants have kept Claims 2, 5, 12, 19, 21, 27, 33, 37, and 41 in their dependent form and respectfully submit that Claims 2, 5, 12, 19, 21, 27, 33, 37, and 41 are allowable as presented. Accordingly, Applicants respectfully submit that all pending claims are allowable and respectfully request reconsideration of all pending claims.

**CONCLUSION**

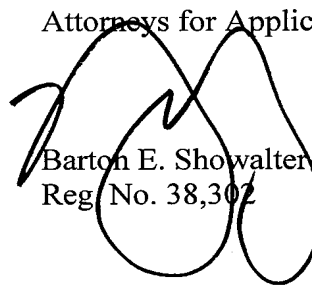
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Bart Showalter, Attorney for Applicants, at the Examiner's convenience at (214) 953-6509.

Respectfully submitted,

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